

# IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 331 OF 2007

MAJ. GEN (RETD) A. K. DEWAN

... Petitioner

Versus

STATE OF GOA THROUGH CHIEF  
SECRETARY AND 5 ORS.,

... Respondents

Mr. M. P. Amonkar, Advocate for the petitioner.

Mr. J.E.Coelho Pererra, Senior Advocate with Mr. V.Korgaonkar,  
Advocate for the respondent No.6.

Mr. S. R. Rivonkar, Govt Advocate for the respondent Nos. 1 to 4.

Mr. N. N. Sardesai, Advocate for the respondent No.5.

Coram:- R.M.S. KHANDEPARKAR &  
R. S. MOHITE, JJ.

Date:- 25th October, 2007

P.C.

The learned Advocate appearing for the respondent No.5 states that the competent authorities have issued necessary permission for the modification of the basement area. However, the Panchayat has not granted occupancy on account of pendency of present petition. Undoubtedly, the plan accompanied with original licence discloses the basement area to the building in question and which is said to be converted into residential area. However, the affidavit in reply filed by the respondent No.6 along with plan attached thereto discloses that, actual construction of the alleged basement area is of height, necessary for resident premises. Added to this, since the Advocate for the respondent No.5 has stated that already the competent authority granted necessary approval for use of the basement area for resident premises, the learned Advocate for the petitioner craves leave to withdraw the petition with liberty to approach afresh after ascertaining about the alleged grant of licence by the Panchayat. Accordingly, petition is allowed to be

withdrawn with liberty to the petitioner to approach afresh in case of need arising as above. It is made clear that we have not expressed any opinion on any of the points or issues sought to be raised in the petition.

R.M.S. KHANDEPARKAR, J.

R. S. MOHITE, J.

SMA